

21 May 2010

SNCT 10/18

ANNUAL LEAVE, SICKNESS ALLOWANCE AND NOTIFICATION PROCEDURES AND FAMILY LEAVE

Dear Colleagues

The Scottish Negotiating Committee for Teachers has reached agreement on changes to annual leave provision arising from sickness and maternity and on changes to the sickness notification procedures. The terms of the agreement are incorporated, by amendment, into the SNCT Handbook, Part 2, Sections 5, 6 and 7

The changes in relation to annual leave follow the European Court of Justice decisions on *Stringer and Others v HMRC*, *Schultz-Hoff v Deutsche Rentenversicherung Bund*, *Pereda v Madrid Movilidad SA*, *Merino Gomez v Continental Industrias Del Gaucho SA* and the *Maternity and Parental Leave etc and the Paternity Adoption Leave (Amendment Regulations) 2008*. The changes to the sickness notification provisions arise from the introduction of statements of fitness for work by the UK Government which have replaced medical certificates from 6 April 2010.

The changes to the Handbook are effective immediately, with the following exceptions:

- a) With reference to Section 7, paragraphs 7.4 and 7.5, it has been agreed that entitlement to maternity pay, previously based on at least 26 weeks' continuous service at the beginning of the 11th week before the Expected Week of Childbirth (EWC), will change to at least 26 weeks' continuous service at the beginning of the 15th week before the EWC. However, it has been further agreed that this change shall take effect from 1 September 2010.
- b) The changes to the maternity and adoption leave notification procedures set out in Section 7, paragraphs 7.24, and 7.48 shall apply from 1 September 2010.

Statutory leave is defined in the Working Time Regulations and is currently 5.6 weeks (28 days).

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Revised sections of the SNCT Handbook are attached and holders of the Handbook should remove the existing Sections 5, 6 and 7 and insert the replacements. In addition, new contents pages are also provided.

Yours sincerely

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Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Executive)

Joint Secretaries

To: Chief Executives
Directors of Education
Directors of Personnel
Directors of Finance
LNCT Joint Secretaries